

Nicolette Glazer

From: Kolluri, Prashant (USAILN) <Prashant.Kolluri@usdoj.gov>
Sent: Monday, August 26, 2019 8:41 AM
To: Nicolette Glazer
Subject: RE: Stevens -- Case Updates
Attachments: COW2018000623 Final Action Letter.pdf

Nicolette,

redacted

Furthermore, below are three additional updates from the agencies:

(1) HHS FOIA Case No. 18-F-0210, David Senn and Age Assessments:

The agency has confirmed that it has no additional age determination/redetermination memoranda. There looks to be about 400+ pages of age determination memoranda and other items that were released as part of the DHS referral, which Professor Stevens just received two weeks ago. So that might address your client's concerns.

The agency has confirmed that it produced all responsive records received following a reasonable search for dental radiographs.

The agency produced the cooperative agreements that were in place relating to David Senn. They are checking to see if there are any additional documents (e.g., contracts) and will get back to me shortly.

(2) HHS FOIA Case No. 18-F-0211, Southwest Key Programs Age Assessments:

Forensic dental exams are not a line item in the budgets, so Southwest Keys would not provide ORR any of the invoices.

(3) USCIS FOIA Case No. COW2018000623, Northwestern University E-Verify:

The Agency produced spreadsheets with about 76,000 entries but refuses to produce the outputs from certain fields that are responsive to Prof. Stevens's request. (See Doc 17, Pl. Status Rept of 12/11/18 (p. 15)). According to the agency, the "missing" fields requested would require the creation of a new document just for this FOIA request, which they claim the statute does not require. Prof. Stevens disagrees and believes that the data is available and maintained by USCIS and can be produced in its native format or extracted into a document. Further the agency has withheld the information provided by the University to USCIS in fields for the unresolved or open cases. Also, none of the initial documentation of the request to join E-Verify or related documents have been produced."

Response: See attached FOIA response letter. USCIS produced not one spreadsheet but 5, and withheld nothing. No exemptions were applied. From the agency's letter to Stevens: "*The record consists of 51 pages of material and Five Excel spreadsheets, and we determined to release them in full.*" Furthermore, please note that Stevens's FOIA request did not specifically seek "initial

documentation of the request (by Northwestern University) to join E-Verify." The attached letter shows her FOIA request. So she is not entitled to those documents now. That being said, some records the agency produced do include an initial contract/agreement between Northwestern University/E-Verify, so that shows the agency produced records related to the University's request to join E-Verify even though your client didn't expressly ask for that. It is likely those documents were produced because the agency's FOIA office deemed other aspects of the documents responsive to your client's FOIA request. I am happy to confirm that if you would like.

Thanks,

Prashant Kolluri
Assistant United States Attorney
Northern District of Illinois
219 S. Dearborn, Suite 500
Chicago, Illinois 60604
312-886-9085

From: Nicolette Glazer <nicolette@glazerandglazer.com>
Sent: Friday, August 23, 2019 4:04 PM
To: Kolluri, Prashant (USAILN) <PKolluri@usa.doj.gov>
Subject: RE: Stevens -- Case Updates

Dear Mr. Kolluri:

redacted

Let me know if you are available to talk on Monday?

Best, nicolette

Nicolette Glazer Esq.
Certified Specialist in Immigration and Nationality Law
State Bar of California, Board of Legal Specialization
Direct Line: (310) 735-3478

Law Offices of Larry R Glazer
Main office: 1875 Century Park East, 7th Floor, Century City, CA 90067
Support Office: 79125 Corporate Center Dr. #6351, La Quinta, CA 92253
www.GlazerandGlazer.com / Tel: (310) 407-5353 / Fax: (310) 407-5354

****Please send all documents in paper format and payments to our La Quinta office at the address below ****

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN

INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF YOU ARE NOT THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE NOTIFY US PROMPTLY AND DESTROY THIS MESSAGE AND ANY ATTACHMENT IT MAY CONTAIN.

Circular 230 Disclosure: Any tax advice provided in this communication is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer (i) for the purpose of avoiding tax penalties that may be imposed, or (ii) in promoting, marketing, or recommending tax transaction or matter to another party. Please seek advice from an independent tax advisor with respect to any tax transaction or matter contained herein.

From: Kolluri, Prashant (USAILN) <Prashant.Kolluri@usdoj.gov>

Sent: Thursday, August 22, 2019 2:53 PM

To: Nicolette Glazer <nicolette@glazerandglazer.com>

Subject: Stevens -- Case Updates

Nicolette,

redacted

For the 2018 case, I have the following updates:

(1) BBG FOIA Case No. 16-046-1, D3 Systems Inc. Request:

You emailed me on July 26 that Stevens requested that additional information be included in the withholding log, including page numbers and additional description about the withheld documents. *Attached* please find an updated log with the requested information about the withheld documents, which consisted of surveys and reports.

(2) BIS FOIA Case No. DOC-BIS-2017-001365, Appendices to BIS Offsets in Defense Trade Annual Reports:

Agency denied Stevens's administrative appeal on February 20, 2019. I emailed Stevens on March 28 with additional information about the basis for the agency's withholding of the documents. I have attached that email chain to this email. The agency has considered the information in your July 2019 status report but stands by its withholdings and is prepared to brief the issue if Stevens intends to challenge the withholdings.

(3) HHS FOIA Case No. 18-F-0210, David Senn and Age Assessments:

The DHS-referred documents were produced to Stevens on August 14. Please review and let me know if the recently produced documents address at least some of Stevens's concerns about "missing" documents.

The agency has also reviewed the produced records and did not locate any records where Exemption 5 was improperly applied, as you suggest in the July 2019 status report. The agency is considering the Exemption 6 challenge about the full email address and will respond shortly.

(4) CBP FOIA Case No. CBP-2018-068519, Jennifer Marenette:

Production Complete. 32 pages produced, some withheld partially. Stevens claimed in December 2018 status report that portions of the release were improperly redacted, but did not identify what she believed was improperly redacted. She similarly fails to do so in July 2019 status report. Dkt. 27 at 3.

(5) ICE FOIA Requests:

The agency expects to reprocess the FOIA requests relating to the following four individuals in light of the privacy waiver Stevens obtained for each and the issues raised in your July 26, 2019 email: (a) Ramatu Kiadii Soko (2018-ICFO-34217); (b) Manuel Herrera-Diego (2018-ICFO-34225); (c) Arthur Godfrey (2018-ICFO-36215); and (d) Jennifer Marenette (2018-ICFO-50378). The ICE attorney assigned to this case and responsible for reprocessing these four requests is out of the country until September 4, but will work on this upon his return.

The agency is looking into the other issues raised in the July 2019 status report and subsequent emails and will respond shortly.

(6) FBI FOIA Case No. 1404050-000, NU Biotechnology Development Contacts:

The agency reviewed the exemption issues raised in your July 2019 status report and does not believe it improperly withheld any information under Exemptions 4 or 6. We are prepared to brief this with the court if Stevens decides to challenge the withholdings.

(7) OJP FOIA Case No. 17-00208, BJS Grant management, System Output Protocols:

The agency reviewed the exemption issues raised in your July 2019 status report and does not believe it improperly withheld any information under Exemptions 4 or 6. [The redactions were applied to screenshots of a grant management program that included actual applicant data.](#) The data withheld thus contains confidential financial information and PII. None of the documents relate to “final procedure contracts,” as Stevens contends. Finally, the agency does not know what Stevens means by “none of the implementing policies or documents for agencies involved have been produced.” Implementing policies or documents were not part of the FOIA request. *But see* March 2019 update that I provided Stevens, which produced three additional documents in response to FOIA request.

(8) USAID FOIA Case No. F-00040-16, NU USAID Request:

My March 8 update to Stevens did not say that USAID will be producing more documents. It said that a supplemental search was performed. That supplemental search has since been completed, and the agency found no responsive records.

I will continue to provide additional updates about the outstanding information referenced above or the other FOIA requests addressed in your status report and later emails as I receive them from each agency. Please let me know if you have any questions.

Thanks,

Prashant Kolluri
Assistant United States Attorney
Northern District of Illinois
219 S. Dearborn, Suite 500

Chicago, Illinois 60604
312-886-9085